

Minutes of the Special and Regular Meetings of August 8, 2006

One Twin Pines Lane, Belmont, California

SPECIAL MEETINGS

CLOSED SESSION - 6:00 P.M.

- A. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 concerning property located at 500-510 Harbor Boulevard, Belmont, CA
- B. Conference with Legal Counsel pursuant to Government Code Section 54956.9, potential litigation: One Case.
- C. Public Employee Appointment, pursuant to Government Code Section 54957: City Manager Recruitment
- D. Conference with Legal Counsel, Initiation of Litigation, pursuant to Government Code Section 54956.9: One Case

Attended by Councilmembers Feierbach, Warden, Dickenson, Lieberman, Mathewson, Acting City Manager Harnish, Deputy City Attorney Rubens (Item D only), Barbara Kautz/Erica Williams, Redevelopment Counsel (from Lee Rosenthal's office, Items A and B), Finance Director Fil, Community Development Director de Melo. City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 7:30 P.M., these special meetings were adjourned, except Items C and D, which were continued to the end of the Regular Meeting.

Terri Cook

City Clerk

Meeting not tape recorded or videotaped.

REGULAR MEETING

CALL TO ORDER 7:40 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Lieberman, Dickenson, Warden, Mathewson

COUNCILMEMBERS ABSENT: None

Staff Present: Acting City Manager Harnish, Deputy City Attorney Rubens, Community Development Director de Melo, Police Chief Mattei, Finance Director Fil, City Engineer Phalen, City Clerk Cook.

REPORT FROM CLOSED SESSION (from earlier in the evening, from 7/25/06 following adjournment of the regular meeting, and from 7/31/06)

Mayor Mathewson stated that direction was given but no action taken at all meetings noted, except at the Special Meeting of July 31, 2006, where action was taken to appoint Information Services Manager Harnish as Acting City Manager effective August 1 through August 11, 2006, and Public Works Director Davis effective August 14, 2006.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Ron Denman, President, Belmont Chamber of Commerce, stated that as part of the Chamber's goal of moving forward towards revitalization, they have hired Executive Director, Diane Griest.

Diane Griest, Chamber of Commerce Executive Director, stated that she takes the charge of revitalization seriously, and she looks forward to building a good relationship between the City and the Chamber of Commerce.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Warden stated that tonight was the third annual George Metropulos Hawaiian Shirt Night, in anticipation of the cancelled meeting in August. He noted that Mr. Metropulos was in the audience.

Mayor Mathewson announced that the second August City Council meeting would be cancelled. He announced a joint meeting with the Finance Commission on Wednesday, August 16. He stated that on August 7, the new Fire Chief was sworn in. He introduced Chief Doug Fry at this time.

Chief Fry stated he looked forward to working with everyone.

Acting City Manager Harnish noted that tonight's meeting was being webcast as a trial run. If all goes well, this will be implemented on a permanent basis starting in September.

CONSENT CALENDAR

Approval of Minutes of the Regular Meeting of July 11, 2006, and Special Meeting of July 24, 2006 (Finance Commission Interviews/Closed Session).

Motion Appointing voting delegate for League of California Cities Annual Conference (delegate Zafferano, no alternate)

Approval of Resolution 9799 Appointing Finance Commissioners (Melamed/Montgomery, terms ending 3/1/07)

Approval of Resolution 9800 Accepting Work, Approving As-Built Plans, and Authorization to Issue a Notice of Substantial Completion for the Lyall Way Pavement Rehabilitation Project, City Contract Number 465B

Approval of Resolution 9801 Approving a Permanent Encroachment Agreement for Replacement of a Retaining Wall within the Public Right-of-Way at 1818 Hillman Avenue

OLD BUSINESS

Discussion and Direction Regarding Harbor Industrial Area (HIA) Annexation

Finance Director Fil stated that the Harbor Industrial Area (HIA) subcommittee has recommended holding a study session on September 12 in advance of a public hearing to be held on September 26 to consider the initiation of annexation proceedings. He outlined the options to be considered for annexation, and noted that the study session would provide a forum to discuss these options. He also recommended that the stakeholder discussions should continue.

Councilmember Lieberman (subcommittee member) stated that discussions have been ongoing with landowners regarding potential annexation. He recommended the study session as a forum for getting all issues on the table in a public forum.

Councilmember Dickenson (subcommittee member) stated the study session would also allow business owners and others to provide input regarding annexation.

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Dickenson, and unanimously approved by a show of hands to schedule a Harbor Industrial Area Annexation (HIA) Study Session for September 12, 2006.

NEW BUSINESS

Discussion and Direction Regarding Administrative Floor Area Exceptions

Community Development Director de Melo stated that three areas of development were under consideration for administrative approval: 1) 100 square feet of additional exterior space, 2) floor area exceptions for garage space of 450 square feet or less, 3) 350 square feet or less of interior space within the building envelope. He noted that there are a number of policy questions to be clarified prior to this issue being forwarded to the Planning Commission for consideration of a zoning ordinance amendment. He outlined the findings to be made, and reviewed the types of development areas subject to this proposed ordinance. He also outlined various limits that could be placed in any of the development categories. Comparison to and compatibility with the neighborhood would continue to remain a factor.

In response to Council questions, Community Development Director de Melo stated that staff has the ability to make minor changes to items approved by the Planning Commission, but any additional square footage desired would require Commission approval, unless changed by the Council.

Discussion ensued regarding garage and carport space needs and sizes. Community Development Director de Melo noted that a 17' by 18' garage with the same size driveway is considered compliant with current zoning regulations.

Councilmember Feierbach stated that on a large lot she would support one large house rather than two smaller homes on a subdivided lot.

Discussion ensued regarding various design scenarios.

Councilmember Warden stated that the proposed ordinance is designed for development within the existing building envelope, but prevents cumulative add-ons.

Community Development Director de Melo recommended not including language regarding developments less than 100 square feet (sf), since there is usually no merit to doing a project that small. There have been no applications in recent history. Triggers otherwise remain for additional parking requirements.

In response to Councilmember Dickenson, Community Development Director de Melo stated that a maximum home size of 4500 sf is permitted in the R1-E and R1-H zoning districts, and those homes are typically on lot sizes ranging from 20,000 sf up to one acre.

Discussion ensued.

Council concurred with the following:

- there is no need to address additions that are less than 100 square feet.
- reduce the size of garage additions addressed in this ordinance from 450 square feet to 400 square feet.
- include the property across the street along with adjacent property for comparative purposes.
- one-time only exception available
- establish minimum lot size for which administrative exception may be granted

Councilmember Warden stated that it is reasonable to permit an increase in the floor area ratio (FAR) above .533 if others in the neighborhood exceed that FAR.

Community Development Director de Melo stated that this issue would be brought before the Planning Commission for a Public Hearing to consider this ordinance.

Consideration of a Resolution Authorizing Belmont to Participate as a Member of a Countywide Sub-Region in Review and Administration of ABAG's Regional Housing Needs Allocation Process (RHNA)

Community Development Director de Melo stated that legislation passed in 2004 permitting sub-regioning. He noted that the Association of Bay Area Governments (ABAG) desires to create a sub-region to address aggregate housing needs. He noted that 16 cities have adopted the non-binding resolution to participate. This will enable regional dialog on this issue, and there is no downside or obligation. There is an opt-out provision.

In response to Councilmember Feierbach, Community Development Director de Melo clarified that any exchange of low-to-moderate income housing monies would be a negotiable item. There are no details regarding how the housing swap would be accomplished.

Walter Martone, City/County Association of Governments (C/CAG), stated that details regarding this issue have not yet been determined, and participating cities and the County will determine the process and rules. Any jurisdiction can withdraw from participation at any time. Swapping funds may be an issue with many cities. Discussions will begin at C/CAG and the city managers' group. He noted that C/CAG is the only organization to attempt the sub-region process.

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Feierbach, Resolution 9802 Authorizing Belmont to Participate as a Member of a Countywide Sub-Region in Review and Administration of ABAG's Regional Housing Needs Allocation Process (RHNA), to include opt-out language, was unanimously approved by a show of hands.

Discussion and Direction to Consider Zone Text and General Plan Amendments Creating a Slope/Density Requirement for Future Subdivisions in the R-1A, R-1B, and R-1C Single Family Residential Zoning Districts

Community Development Director de Melo reviewed the number of lots that could potentially be affected by a change in zoning to include slope density. He clarified that a lot requires 100 feet of street frontage to subdivide. Following a preliminary review, 17 lots are potentially subdividable, all of which are occupied by a home. Other lots contain a structure, such as a garage. Eleven lots are vacant. He stated that a position paper was received about Proposition 90, which notes that its passage on the November ballot would limit the City's authority to issue any action to downzone property, and if it did, the City would need to purchase the property.

Community Development Director de Melo stated that undertaking a general plan and zoning change prior to the November ballot requires an ambitious schedule, and he noted that this requires Planning Commission review prior to Council consideration. Should the Council desire to move forward with this project, other pending projects, such as the General Plan Update and the Grand Boulevard, would need to be set aside.

In response to Mayor Mathewson, Community Development de Melo stated that lots large enough to subdivide but do not have the requisite 100 feet of street frontage or are otherwise substandard insofar as the subdivision requirements are concerned, could be otherwise developed or subdivided by rezoning to Planned Development (PD). He noted this would require Planning Commission review and City Council approval. Deputy City Attorney Rubens further responded that denying a PD application for a particular parcel would not likely raise a Proposition 90 challenge. The challenge would likely come from a change of zoning in the General Plan.

In response to Councilmember Dickenson, Community Development Director de Melo clarified that Proposition 90 addresses loss of all economic value. He noted that Belmont's current regulations may already address many issues such as slope, design review, etc. Deputy City Attorney Rubens added that many provisions of Proposition 90 are still unclear.

Warren Gibson, Belmont resident, requested clarification as to how many lots are steep enough to be affected, and which of those are actually buildable and/or economically feasible to build. Current floor area ratios may restrict or prohibit development. He expressed concern regarding other priority calendar items. He expressed his supports Proposition 90.

Councilmember Lieberman stated that he appreciates the intent of the proposed ordinance, but noted there are only 20 lots affected. He expressed concern regarding staff time and current projects, as well as the fast tracking of this project and meeting the November timeline. He cannot justify moving forward with this at this time, but expressed concern regarding the potential for 417 PD being formed. There is a fear of the unknown.

Councilmember Feierbach stated she is willing to support this project and to set aside other items in order to pursue the ordinance.

Councilmember Dickenson stated that he needs more information regarding this issue, but recognizes the time factor. He would support leaving mechanisms in place regarding the priority calendar.

Councilmember Warden supports the consistency of applying slope as a factor in all subdivision applications, and supports this proposal. He is concerned that there may be more than just 20 lots affected.

Mayor Mathewson stated that this is worth pursuing, and he is willing to adjust the priority calendar in order to do so.

City Clerk Cook noted that the Council Protocols require a super-majority vote in order to set aside the current priority calendar schedule in order to pursue this matter.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Warden, to set aside the current priority calendar and pursue an ordinance to Consider Zone Text and General Plan Amendments Creating a Slope/Density Requirement for Future Subdivisions in the R-1A, R-1B, and R-1C Single Family Residential Zoning Districts, was denied by a show of hands 3-2 (Lieberman /Dickenson no, said motion requiring super-majority).

Resolution Revising Purchasing Control System - Professional Services Contracts

Finance Director Fil stated that the existing purchasing ordinance is reviewed from time to time for refinement and accountability. He noted that recent outgoing Interim City Manager Cassingham had recommended that the City Manager review all professional services agreements, regardless of dollar amounts, in order to provide control and oversight. He noted this should not be burdensome on staff.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Feierbach, Resolution 9803 Revising Purchasing Control System - Professional Services Contracts was unanimously approved by a show of hands.

PUBLIC COMMENTS AND ANNOUNCEMENTS (Continued)

Mayor Mathewson shared items of interest he obtained at the recent League of California Cities conference in Monterey.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Consideration of "History Walk" and/or display of historic documents/photos (Dickenson)

Councilmember Dickenson stated he would like to work with the Belmont Historical Society to identify photos and memorabilia to display on the second and third floors of City Hall. He noted that Historical Society President, Denny Lawhern, expressed interest in such a program.

Councilmember Lieberman expressed support for this project. He described the historic display at American Airlines, where he worked at one time. It was a source of pride for employees and was of great interest to visitors.

Councilmember Warden stated that Belmont resident and former Carlmont High School teacher Norman Heise has been working on an electronic photo display. He shared highlights of the display. He would support placing this on Channel 27 for all to enjoy.

Councilmember Feierbach stated she does not support photos on the wall. People do not go to the second and third floors to look at art or photos. Previous art displays were problematic. She would support putting photos on Channel 27 and on the website. Virtual display is inexpensive. She would also support a display cabinet.

Mayor Mathewson stated he would support the web and TV broadcast, and would also support a limited wall display and cabinet display. A committee would be needed for this.

Councilmember Warden expressed interest in adopting a policy for displays. A business look is needed. Councilmembers' photos should be moved from the first floor. He also recommended polling the staff regarding this issue.

City Clerk Cook stated that the policy would be forthcoming to Council via the Parks and Recreation Department. She noted it has been delayed pending appointment of the new director. She stated she would take the lead in polling the staff regarding the photo display.

Council concurred to have this item return in two to three months for further discussion.

Consideration of amending Council Protocols to reduce the number of votes required from super-majority to simple majority in order to add items to the Priority Calendar outside the regular review (Warden)

Councilmember Warden noted that only a majority vote is required to change the Protocols, which contains an item regarding the Priority Calendar that requires a super-majority to pass.

In response to Councilmember Feierbach's question regarding how this change in the Protocols might affect the recent decision regarding slope density, City Clerk Cook clarified that a change in the Protocols requires the passage of a resolution, which would have to be placed on a future agenda.

Councilmember Lieberman stated that this is not an appropriate way to change the process.

Councilmember Warden stated that only an annual review of the Priority Calendar makes it difficult for Council to consider items that come up during the year.

Councilmember Lieberman responded that the Protocols provide for consideration of items outside the annual review process.

Mayor Mathewson stated he is willing to consider amending the Protocols. The change could be reviewed in one-year's time to ascertain its effectiveness.

RECESS: 10:00 P.M.

RECONVENE: 10:10 P.M.

Deputy City Attorney Rubens stated that Council could consider an amendment to the Protocols, but that he would need to do further research regarding reconsideration of the slope density issue.

ACTION: Councilmember Feierbach made a motion, seconded by Councilmember Warden, to consider a resolution at the special joint meeting with the Finance Commission scheduled for August 16th amending the Council Protocols to reduce the vote required for new Priority Calendar items to a simple majority.

Councilmember Warden stated that reviewing the Priority Calendar annually is too long to wait if there are new issues to address.

Councilmember Lieberman expressed support for changing the Priority Calendar review to more than once per year. He supports maintaining the super-majority vote required for new Priority Calendar items mid-review. He noted this prevents railroading of issues.

ACTION: On the motion as previously stated, approved by a show of hands (3-2, Dickenson, Lieberman no).

ADJOURNMENT at this time, being 10:20 p.m. this meeting was Adjourned to Continued Closed Session, Items C and D (continued from earlier).

CONTINUED CLOSED SESSIONS

- C Public Employee Appointment, pursuant to Government Code Section 54957: City Manager Recruitment
- D. Conference with Legal Counsel, Initiation of Litigation, pursuant to Government Code Section 54956.9: One Case

Attended by Councilmembers Feierbach, Warden, Dickenson, Lieberman, Mathewson, Acting City Manager Harnish, Deputy City Attorney Rubens, Community Development Director de Melo (Item E only). City Clerk Cook was excused from attending.

RECONVENE to open session, at this time, being 11:06 P.M.

REPORT FROM CLOSED SESSION

Mayor Mathewson reported that direction had been given, but no action taken during the continued closed sessions.

ADJOURNMENT at this time, being 11:07 P.M.

Terri Cook

Belmont City Clerk

Meeting Tape Recorded and Videotaped

Audio Recording 642 (Closed Session not taped)

Minutes approved 09/12/2006